

AGENDA FOR CITY COUNCIL MEETING
June 11, 2013 – 10:00 AM
Council Chamber - City Hall

The Midland City Council agenda is posted for public notice at least 72 hours prior to the Tuesday meetings. All requests to be placed on the Council agenda by the public must be submitted to the City Manager, in writing, at least one week before the Council meetings. Such written requests must be in sufficient detail to identify the subject matter as well as the contact person who will represent the matter before the Council. The City Council reserves the right to not consider matters over which the City has no jurisdiction.

OPENING ITEMS

1. Invocation - Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Midland Christian Track & Field Team Day.
 - b. Presentation of a Proclamation for Midland Christian Lady Mustang Track & Field Team Day.

PUBLIC COMMENT

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.

CONSENT AGENDA

APPROVED

5. Consider a motion approving the following minutes:
 - a. Regular meeting of May 28, 2013.
 - b. Special meeting of May 29, 2013.

6. Consider a resolution authorizing the sale of the real property described as being Lots Three A (3A), Four A (4A) and Five A (5A), Block Three (3), Midland International Airport Industrial Park, an Addition to the City of Midland, Midland County, Texas to Jarnail Sihota of Calgary, Alberta, Canada, for \$435,000.00; and authorize the City Manager to make modifications to the Special Warranty Deed; and ordering recordation by the City Secretary; closing shall be conducted at Lone Star Abstract & Title Co., Inc. of Midland, Texas. (GENERAL SERVICES) (2013 - 160)

APPROVED

7. Consider a resolution authorizing issuance of a request for proposals for the purchase, training and secure communications of approximately three hundred and ten (310) single-space, credit-card-capable parking meters. (GENERAL SERVICES) (2013 - 161)

APPROVED

8. Consider a resolution authorizing issuance of a Request for Proposals for the management, operation, maintenance and enforcement of a downtown single-space parking meter system. (GENERAL SERVICES) (2013 - 162)

APPROVED

9. Consider a resolution approving the Midland Development Corporation's purchase of an approximate 374-acre tract of land out of Section 33, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas for \$3,960,000.00; authorizing the City Manager to negotiate, execute and file, on behalf of the Midland Development Corporation, all documents necessary for the purchase of said property; and approving a budget amendment to the Fiscal Year 2012-2013 budget of the Midland Development Corporation, a Type A corporation as authorized by Chapter 504 of the Texas Local Government Code. (GENERAL SERVICES) (2013 - 163)

APPROVED

10. Consider a resolution authorizing the City Manager to purchase title insurance, acquire necessary environmental studies, negotiate and execute an agreement with a real estate broker, and negotiate, execute and file all necessary documents, regarding the purchase of Lots 1-6, Block 38, Original Town Addition, and Lots 7-12, Block 39, Original Town, Midland, Midland County, Texas, for an amount not to exceed \$685,000.00; and directing that said property shall be closed at Lone Star Abstract and Title Company, Incorporated. (GENERAL SERVICES) (2013 - 164)

APPROVED

11. Consider a resolution approving the purchase of new system switches for the infrastructure of the computer network from Solid IT Networks, Incorporated, through the Texas Department of Information Resources at a total cost of \$90,042.61; and this item was not bid but purchased through a State of Texas Cooperative Program. (GENERAL SERVICES) (2013 - 165)

APPROVED

12. Consider a resolution approving the purchase of five hundred (500) three cubic yard refuse containers, five hundred (500) three and one-half cubic yard refuse containers, and six (6) thirty cubic yard open top roll-off containers from Wastequip Manufacturing Company, L.L.C., of Statesville, North Carolina, at a total cost of \$472,870.00. (GENERAL SERVICES) (2013 - 166)

APPROVED

13. Consider a resolution approving the purchase of three (3) new virtual servers with additional network storage through the Texas Department of Information Resources at a total cost of \$107,127.45; and this item was not bid but purchased through a State of Texas Cooperative Program. (GENERAL SERVICES) (2013 - 167)

APPROVED

14. Consider a resolution authorizing the execution of Amendment Number Four to the Professional Services Agreement with Parkhill, Smith & Cooper, Incorporated, for improvements contained in the Airport Capital Improvement Program; said amendment to include the following projects: Passenger Facility Charge Application and Amendments; and appropriating \$15,000.00 (AIRPORTS) (2013 - 168)

APPROVED

15. Consider a resolution approving plans and specifications prepared by Parkhill, Smith and Cooper, Incorporated, and authorizing advertisement for bids for the City of Midland project described as Terminal Vehicle Parking Expansion (9019) at the Midland International Airport. (AIRPORTS) (2013 - 169)

APPROVED

16. Consider a resolution approving Carleton Construction, LTD. as the general contractor for construction of a parking facility as part of the Wall Street Lofts Project (Said project is for the construction of a multi-family residential and retail building on Lots 13-23, or the replat thereof, and

construction of said parking facility on Lots 1-8, or the replat thereof, all out of Block 53, Original Town Addition, City and County of Midland, Texas); approving a Lease Agreement between the City of Midland and the Midland Development Corporation for said project; approving a Parking Lease Agreement between the City of Midland and Wall Street Lofts, LP or an affiliate company for said project; approving a Project Management Agreement between the Midland Development Corporation and Wall Street Lofts, LP or an affiliate company for said project; and authorizing the negotiation and execution of any and all related agreements or documents necessary for said project. (CITY MANAGER'S OFFICE) (2013 - 170)

APPROVED

17. Consider a resolution authorizing the execution of a twenty-five year lease agreement with the Midland Amateur Radio Club regarding a City owned building located in Hogan Park. (COMMUNITY SERVICES) (2013 - 171)

APPROVED

18. Consider a motion approving an amendment to an oil and gas well drilling permit from Bluestem Energy Holdings, LLC (Operator), within the City Limits, (Evans P 1) located 490 feet from the south line and 565 feet from the east line located in Section 8, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North Midkiff Drive, approximately 490 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

APPROVED

19. Consider items related to a request by SMCB, Inc. (Steve Sanchez) for the Midland Heights Addition (610 W. Florida Avenue). (ENGINEERING SERVICES)
 - a. Consider a motion on a request by SMCB, Inc. (Steve Sanchez) for the Midland Heights Addition (610 W. Florida Ave.) to approve items requested for deferral in the amount of \$8,466, waive the public improvement guarantee, and enter into an agreement to accept funds in lieu of constructing public infrastructure. This subdivision is generally located at the northeast corner of the intersection of Florida Avenue and Connell Street.
 - b. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with SMCB, Inc. (Steve Sanchez) for paving improvements to Connell Street; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code.

APPROVED

20. Consider a resolution authorizing the execution of a Professional Services Agreement Task Order with Parkhill, Smith & Cooper, Incorporated, for professional construction phase services for the rehabilitation of the City's four (4) elevated water storage tanks, at an estimated total cost of \$185,000.00; and appropriating funds. (UTILITIES) (2013 - 173)

APPROVED

SECOND READINGS

21. Consider an ordinance on second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 0.95-acre tract of land out of Lots 1 and 2, Block 3, Mayfield Place Addition, Section 2, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an O-1, Office District (Generally located on the north side of Mockingbird Lane, 860 feet east of Midkiff Road); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9146)

APPROVED

22. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 5, Block 44, Fairmont Park Addition, Section 26, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 450 feet west of North Midland Drive), which is presently zoned PD, Planned District for a Shopping Center, by permitting said property to be used under a specific use permit with term for the sale of all alcoholic beverages in a restaurant for on-premises consumption; making said permit subject to certain conditions and restrictions contained herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9147)

APPROVED

23. Consider an ordinance on second reading vacating and abandoning a 0.30-acre alley adjacent to Lots 1-5, Block 5, a 1.45-acre alley adjacent to Lots 1-14, Block 6, a 0.90-acre portion of Mandy Lane right-of-way adjacent to Lots 1-9, Block 6, and to Lots 1-9, Block 7, and a 1.78-acre portion of Corporate Drive right-of-way and Spring Park Drive right-of-way

adjacent to Lots 1-5, Block 5, and to Lots 10-14, Block 6, all out of Corporate Plaza, Section 4, City and County of Midland, Texas (Generally located on the east side of Edwards Street, approximately 870 feet north of East Wadley Avenue); adopting the appraisal by the City Manager of \$19,321.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9148)

APPROVED

PUBLIC HEARINGS

24. At approximately 10:30 a.m. conduct a Public Hearing for the 2013/14 Community Development Block Grant (CDBG) Program. (DEVELOPMENT SERVICES)

HELD

25. At approximately 10:33 A.M. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 1.011-acre tract of land being the north 141 feet of Block 1, Harrison Tract, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned PD, Planned District for an Office Center, to be used as a PD, Planned District for a Transition District (Generally located on the east side of north Midland Drive, approximately 160 feet north of Shell Avenue); providing for such use to be subject to certain special conditions and restrictions as set out herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9149)

DEFERRED UNTIL NEXT MEETING

26. At approximately 10:36 A.M. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lots 1-15, Block 165, Lots 1-25, Block 166, Lots 1-4, Block 167, the adjacent to be vacated 1.79 acres of Leslie Drive, the 0.43 acres of Kristie Lane, and the 0.45 acres of alley rights-of-way, all out of Wilshire Park Addition, Section 11, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned 1F-2, One-Family Dwelling District, to be used as a PD, Planned District for a Housing Development (Generally located on the southeast corner of the intersection of Leisure Drive and Beal Parkway); providing for such use to be subject to certain special conditions and restrictions as set out herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and

ordering publication. (DEVELOPMENT SERVICES) (9150)

APPROVED

27. At approximately 10:39 A.M. hold a public hearing and consider a resolution finding Lot 12, Block 46, Permian Estates Addition, City and County of Midland, Texas (located at 503 Devonian Drive) to be in Violation of Title VIII, "Food Establishments, Health and General Sanitation", Chapter 6, "Garbage, Trash and Rubbish", Section 18, "Accumulation of Stagnant Water, Filth, Weeds, Brush and Debris on Lots", of the Midland City Code; providing the owner thirty (30) days to bring said property into compliance; authorizing the Building Official to enter upon said property and remove such debris after thirty-five (35) days from the date of the passage of this resolution; directing the Building Official to deliver a copy of this resolution to the owner; and ordering publication by the City Secretary. (DEVELOPMENT SERVICES) (2013 - 174)

APPROVED

28. At approximately 10:42 A.M. hold a public hearing and consider a resolution finding Lot 4, Block 14, Loma Linda Addition, City and County of Midland, Texas (located at 309 East Maple Avenue) to be in Violation of Title VIII, "Food Establishments, Health and General Sanitation", Chapter 6, "Garbage, Trash and Rubbish", Section 18, "Accumulation of Stagnant Water, Filth, Weeds, Brush and Debris on Lots", of the Midland City Code; providing the owner thirty (30) days to bring said property into compliance; authorizing the Building Official to enter upon said property and remove such debris after thirty-five (35) days from the date of the passage of this resolution; directing the Building Official to deliver a copy of this resolution to the owner; and ordering publication by the City Secretary. (DEVELOPMENT SERVICES) (2013 - 175)

APPROVED

MISCELLANEOUS

29. Consider a resolution authorizing the City Manager to purchase Real Property located in Sections 9, 10, 11, 12, 13, 14, 18, 23, 19, 20, and 22, all being in Block B-5, Public School Lands, Winkler County, Texas and Section 3, Block B-11 of the Official Public Lands of Winkler County, Texas; and authorizing the City Manager to execute a Surface Use Agreement and lease with Infinitair Energy, LLC for the above described property; authorizing the City Treasurer to make the appropriate payments. (CITY ATTORNEY'S OFFICE) (2013 - 176)

APPROVED

30. Consider an ordinance temporarily closing a portion of the east/west alleys abutting the north and south boundary lines of Lot 1, Block 1, Fairgrounds Addition, from the east right-of-way line of Fairgrounds Road east to their intersection with the north/south alley at Midland Draw and the north/south alley abutting the east boundary line of Lot 1, Block 1, Fairgrounds Addition at Midland Draw in the City of Midland, Texas; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (9151)

APPROVED

31. Consider a motion making appointments to various Boards and Commissions.

NO ACTION

EXECUTIVE SESSION

32. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
 - a. Section 551.072 Deliberation Regarding Real Property.
 - a.1. Discuss the purchase, exchange lease or value of real property described as Block 35, Lots 7-8, Original Town Addition, Midland, Midland County, Texas.
 - a.2. Discuss the purchase, exchange lease or value of real property described as Section 33, Block 40, T-1-S, T. & P. R. Co. Survey, Midland County, Texas.
 - a.3. Discuss the purchase, exchange lease or value of real property described as Block 38, Lots 1 thru 6, Original Town Addition and Block 39, Lots 7 thru 12, Original Town, Midland County, Midland, Texas.
 - a.4. Discuss the purchase, exchange, lease or value of real property described as Block 53, Lots 1-8 and 13-23, Original Town Addition, Midland, Midland County, Texas.
 - a.5. Discuss the purchase, exchange lease or value of real property described as Block 27, Lots 13A, Original Town Addition, Midland, Midland County, Texas.

- a.6. Discuss the purchase, exchange lease or value of real property described as Block 27, Lots 07A, Original Town Addition, Midland, Midland County, Texas.
 - a.7. Discuss the purchase of real property described as Sections 9, 10, 11, 12, 13, 14, 18, 23, 19, 20, and 22, all being in Block B-5, Public School Lands, Winkler County, Texas and Section 3, Block B-11 of the Official Public Lands of Winkler County, Texas.
- b. Section 551.087 Deliberate Economic Development Negotiations
 - b.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

Respectfully Submitted,

Courtney B. Sharp
City Manager